

### Remarks

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 2, 4, 11, 17, 19, 24, and 25 have been amended. Claim 10 has been canceled. No claims have been added. Claims 3, 5, 6, 9, 13, 16, 21, 23, and 27-29 were previously canceled. Therefore, claims 1, 2, 3, 7, 8, 10-12, 14, 15, 17-20, 22, and 24-26 are presented for examination.

### 35 U.S.C. §103(a) Rejection

Claims 1-2, 4, 7-8, 10-12, 14-15, 17-20, 22, 24-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Roeck et al. (U.S. Patent No. 6,574,796) in view of Vogel et al. (U.S. Patent No. 6,804,262). Applicant submits that the present claims are patentable over Roeck in view of Vogel.

Briefly, Roeck discloses a system for a cable modem to detect a viable data carrier on the downstream channel in a cable plant. Vogel discloses a system for an upstream channel change for a cable modem in a data-over-cable system to be achieved via an upstream bandwidth allocation map message sent from a cable modem termination system to cable modems.

Claim 1, as amended, recites:

A method comprising:

eliminating one or more channels associated with at least one of analog media content and non-digital signal sources from a search for data channels, the one or more channels part of a plurality of multimedia channels in a cable network;

tuning a receiver of a broadband cable signal associated with a quadrature amplitude modulation (QAM) technique to a selected channel within the broadband cable signal;

temporarily activating adaptive equalizer logic in a QAM modulator to demodulate the selected channel according to a quadrature phase shift

keying (QPSK) modulation technique to position a slicer in the QAM demodulator to an appropriate quadrant in an in-phase/quadrature (I/Q) constellation;

sweeping a carrier frequency of the receiver over a carrier loop bandwidth for the receiver to attempt to obtain a channel lock on the selected channel while the receiver is activated in order to demodulate the selected channel according to the QPSK modulation technique;

if a channel lock is obtained and the selected channel is a data channel, activating the adaptive equalizer logic in the QAM modulator to demodulate the selected channel according to the QPSK technique.

Applicant submits that Roeck does not disclose or suggest temporarily activating adaptive equalizer logic in a QAM modulator to demodulate the selected channel according to a quadrature phase shift keying (QPSK) modulation technique to position a slicer in the QAM demodulator to an appropriate quadrant in an in-phase/quadrature (I/Q) constellation, as recited by claim 1. Although Roeck discloses at step 412 of Figure 4 a "cable modem's receiver chip or demodulator is configured to check for a QPSK modulated signal," there is no disclosure or suggestion of activating adaptive equalizer logic in a QAM modulator to demodulate a selected channel according to QPSK modulation techniques to position a slicer in the QAM demodulator to an appropriate quadrant in an I/Q constellation. According to column 10, ll. 7-65 of Roeck, this step involves only a *check* for a QPSK modulated signal. There is no disclosure or suggestion of actually demodulating by a QAM modulator. As such, Roeck does not disclose or suggest the cited feature of claim 1.

Furthermore, applicant submits that Vogel also does not disclose or suggest temporarily activating adaptive equalizer logic in a QAM modulator to demodulate the selected channel according to a quadrature phase shift keying (QPSK) modulation technique to position a slicer in the QAM demodulator to an appropriate quadrant in an in-phase/quadrature (I/Q) constellation, as recited by claim 1. The Office Action does not rely on Vogel to disclose or suggest such a feature, nor can applicant find any disclosure or

suggestion of such a feature anywhere in Vogel. As such, Vogel also does not disclose or suggest the cited feature of claim 1.

As neither Roeck nor Vogel individually disclose or suggest the cited feature of claim 1, any combination of Roeck and Vogel also does not disclose or suggest such a feature. Therefore, claim 1, as well as its dependent claims, is patentable over Roeck in view of Vogel.

Independent claims 11 and 19 also recite, in part, temporarily activating adaptive equalizer logic in a QAM modulator to demodulate the selected channel according to a quadrature phase shift keying (QPSK) modulation technique to position a slicer in the QAM demodulator to an appropriate quadrant in an in-phase/quadrature (I/Q) constellation. As discussed above, Roeck in view of Vogel does not disclose or suggest such a feature. Therefore, claims 11 and 19, as well as their respective dependent claims, are patentable over Roeck in view of Vogel for the reasons discussed above with respect to claim 1.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

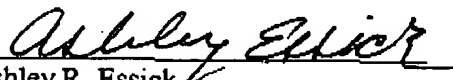
Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 23, 2007

  
Ashley R. Essick  
Reg. No. 55,515

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1026  
(303) 740-1980